

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LAWRENCE GAUDINO,

Defendant.

Case No. CR11-102-RSL

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on September 12, 2012. The defendant appeared pursuant to a summons issued in this case. The United States was represented by Sarah K. Vaughn, and defendant was represented by Jay W. Stansell. Also present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on June 17, 2011 by the Honorable Robert S. Lasnik for Threatening a Federal Officer. He received credit for time served and 3 years supervised release.

On February 28, 2012, a violation warrant was issued for Mr. Gaudino and he was arrested and detained. On March 28, 2012, Mr. Gaudino admitted to failing to report to the U.S. Probation Office following his release from custody and also failing to participate in mental health treatment, as directed by the probation officer. Mr. Gaudino stated he did not want to

1 receive any services of the Veterans' Administration ("VA") Medical Center because he would
2 be subject to higher security clearance before entering the premises, and he believed he was
3 being mistreated by VA personnel. Mr. Gaudino's conditions were modified to include up to 30
4 days at the Seattle residential reentry center ("RRC") to insure that he attended his mental health
5 appointment at Sound Mental Health. Mr. Gaudino complied with this directive was released
6 from RRC on April 11, 2012.

7 **PRESENTLY ALLEGED VIOLATIONS**

8 In a petition dated August 22, 2012, U.S. Probation Officer Jennifer Tien alleged that
9 defendant violated the following conditions of supervised release:

- 10 1. Using marijuana on or before June 12, July 19, and August 13, 2012, in violation
11 of standard condition number 7.
12 2. Using Opiates on or before August 13, 2012, in violation of standard condition
13 number 7.

14 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

15 Defendant admitted the above violations, waived any hearing as to whether they occurred,
16 and was informed the matter would be set for a disposition hearing on October 4, 2012, at 10:00
17 a.m. before District Judge Robert S. Lasnik.

18 **RECOMMENDED FINDINGS AND CONCLUSIONS**

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 12th day of September, 2012.

22 

23 **BRIAN A. TSUCHIDA**
United States Magistrate Judge